IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.3143/01

Rameshwar & Ors. **Versus** State & Ors.

DATE OF ORDER :: 02/05/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Sanjay Pareek, for petitioners
Mr. Arun Sharma, Dy.G.A.

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Instant petition has been filed at the behest of the then Panch of Ward No.12 and Up-Sarpanch of Gram Panchayat Khatu, District Sikar.

Basic grievance of petitioners for assailing the order Ann.3 dated 10th May, 2001 which was later on modified by subsequent order dated 18th May, 2001 by the Collector, Sikar Ann.4 is that development work cannot be entrusted to a society namely; Khatu Dham Vikas Society which is not in consonance with the provisions of Sections 50 & 53 of Rajasthan Panchayati Raj Act, 1994. It appears that petitioners since who were holding public office at the relevant time might be directly related to issue but by passage of time their term has been over and looses their interest in the instant matter.

Apart from it, a bare perusal of Ann.3 impugned issued by the Collector, Sikar dated 10th

May, 2001 was for such pilgrimages who were coming for 'Darshan' to Khatu Shyamji, Sikar in the year 2001 and providing facilities for them of stay and as regards the land which was charagaha of 1 hectare Part of Khasra No.1633/39 Gram Panchayat was entrusted to take proper care of the earmarked land referred to under the order impugned. The Samiti which is Khatu Dham Vikas Samiti is a registered society, of which memorandum of association has been placed on record as Ann.4. This court do not find that there is any violation of statutory provisions under the Act, 1994 committed by the authority in passing order Ann.3 and so also its modification made Ann.4 as well.

So far as the submission made by the counsel for petitioners that in view of Section 50 read with Section 53 of the Act, 1994 is concerned, the work can be entrusted to the Panchayat Samiti, is without any merit for the reason that function has to be assigned to Panchayat under notification as provided u/s.53 of the Act for the purposes referred to under the order impugned Ann.1.

Counsel for petitioners is unable to show about any notification issued whereby work has been entrusted by the Government to the Panchayat u/s.53 of the Act.

I do not find any merit in this writ petition, the same stands dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.